

Your vote shapes our judiciary

Written by By Denise Torres and James Hall New Mexico Judicial Performance Evaluation Commission
Friday, 23 October 2020 07:01



Marian Wright Edelman, founder and president emerita of the Children’s Defense Fund (CDF), may have said it best: “Democracy is not a spectator sport.”

This fall, you can have a voice in shaping New Mexico’s judiciary by voting whether or not to retain one New Mexico Court of Appeals judge and six district court judges in the Eleventh Judicial District, which includes Los Alamos, Rio Arriba and Santa Fe counties.

In New Mexico, judges must first run in and win a partisan election, whether they have been appointed to their position or are running for the position in the election. Once a judge is elected (except for magistrate judges), they stand for retention in all future elections. Judicial candidates standing for retention do not face an opponent. Instead, they must receive 57% voter approval to remain on the bench.

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Most people have no idea who these judges are and [have] no way to learn about them. That's where the New Mexico Judicial Performance Evaluation Commission comes in. JPEC is a volunteer, nonpartisan Commission created by the New Mexico Supreme Court to 1) improve the performance of judges; and 2) provide useful, credible information to voters on judges standing for retention.

JPEC provides detailed information to voters including one of four recommendations: 1) retain; 2) do not retain; 3) no opinion; or 4) insufficient time in the current position to evaluate. Under JPEC rules, judges can only be evaluated if they have served in their current positions for at least two years or if JPEC has sufficient data to achieve a statistically valid sample.

JPEC evaluates each judge twice. Midway through their term on the bench, JPEC conducts a confidential evaluation to help the judge assess their performance and develop a plan, if needed, to address any areas of weakness. The second evaluation is conducted before the judge stands for retention, and is released to the public.

JPEC compiles its evaluations from several sources, including confidential surveys with individuals who regularly come in contact with each judge. Survey groups include other judges (for appellate judges only), attorneys, court staff, jurors and resource staff (law enforcement, probation/parole officers, etc.).

JPEC also reviews statistics for each judge including caseloads, excusals (attorneys who ask that the judge be recused from hearing a case) and the time it takes to get cases resolved. Sometimes, JPEC sends court observers to personally observe and comment on the judge's actions in court.

Finally, JPEC meets one-on-one with each judge being evaluated to review the survey results as well as their self-assessment of performance. Judges who receive a "do not retain" recommendation are given a second opportunity to meet with the commission, if desired, to make their case for retention.

This year, JPEC makes the following recommendations: Retain Eleventh Judicial District Court

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Judges Robert A. Aragon, Bradford J. Dalley, Louis E. DePauli, Jr., Daylene Ann March and Karen L. Townsend; Insufficient Time in Current Position to Evaluate Jacqueline R. Medina, New Mexico Court of Appeals, and Eleventh Judicial District Court Judge Sarah V. Weaver.

JPEC's evaluations are posted in English and Spanish on our website, www.nmjpec.org. Printed information is available by calling (800) 687-3417.

This year, don't be a spectator. Participate by voting in all elections in which you are eligible to cast a ballot, including the judicial retention elections.

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